

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12771 of John T. Blue, Jr., and Gloria Hope Blue, pursuant to paragraph 8207.11 of the Zoning Regulations for a variance from the 900 square feet lot area requirements (Sub-section 3301.1) to convert the subject premises to an apartment house consisting of three units in the R-4 District at the premises 121 New York Avenue, N.W., (Square 555, lot 800).

HEARING DATE: October 18, 1978

DECISION DATE: October 18, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the north side of New York Avenue between Kirby Street and 1st Street, N.W., known as 121 New York Avenue, N.W.

2. The property is rectangular in shape, slopes up hill to the north and consists of 1,976 square feet of land area. The property is developed with a three story brick building which is boarded up due to fire and vandalism.

3. To the north of the site is the New York Avenue playground, to the east are row dwellings and an apartment house, to the south across New York Avenue is the Perry Elementary School in the R-4 District and to the west are row dwellings in the R-4 district.

4. The applicant proposes to convert the subject premises which contains approximately 3,350 square feet of floor area, from a rooming house into a three unit apartment house.

5. Records in the Central Permit Branch indicate that a Certificate of Occupancy No. B-41132 was issued on November 4, 1965 for a rooming house with less than five roomers.

6. The conversions of a building existing before May 12, 1958 to an apartment house containing three or more units is permitted as a matter of right in the R-4 District, provided that 900 square feet of lot area is required for each unit within the structure.

7. The subject area has a lot area of 1,976 square feet which is 724 square feet less than the required 2700 square feet, and would not permit three units without the grant of a variance.

8. Two of the units will each contain 925 square feet, two bedrooms, living room, dining rooms, kitchen and bath. One of these units will be in the basement, the other on the first floor. The third apartment will be on the second and third floors and consist of 1,400 square feet, three bedrooms, living room, sitting room, dining room and kitchen.

9. The large size of the house, over 3,300 square feet on four floors, makes it impractical to use the house as either a single family dwelling or flat. The use as proposed by the applicant is an appropriate utilization of the building.

10. No parking will be provided on the subject property. No parking is required. There is no alley access to the property.

11. By report dated October 2, 1978 and by testimony at the hearing the Municipal Planning Office recommended the approval of the application, on the grounds that the granting of the requested area variance will not cause substantial detriment to the public good, nor will it substantially impair the intent, purpose and integrity of the Zoning Regulations and Map. The Board so finds.

12. Advisory Neighborhood Commission 5C was in support of the application and felt it to be a great improvement over the prior usage. The Board so finds.

13. There was additional support from the owners of neighboring properties.

14. There was no opposition to the case.

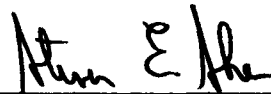
CONCLUSIONS OF LAW AND OPINION:

The requested variance is an area variance the granting of which requires the establishing or showing of practical difficulty. The Board is of the opinion that the size and shape of the dwelling would create a practical difficulty upon the owner if limited to occupancy by only one or two families. The Board concludes that the granting of the requested variance will increase the city's rental housing stock, while at the same time rehabilitate a dilapidated structure and thus improve the neighborhood. The Board further concludes that the proposed application can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the zoning regulations and map. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (John G. Parsons, Chloethiel Woodard Smith, Charles R. Norris, William F. McIntosh and Leonard L. McCants to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 8 DEC 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.